

COPY

## Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

X Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: March 12, 2001

Name of Person Certifying: Nancy Hine

Printed Name: Nancy Hine

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Davis et al.	Assignee:	Genencor International, Inc.
Filing Date:	December 20, 1999	Examiner:	Slobodyansky, E.
Serial No.:	09/467,536	Group Art Unit:	1652
Title:	Chemically Modified Enzymes with Multiple Charged Variants		

Assistant Commissioner for Patents  
Washington, D.C. 20231

**REVOCATION AND APPOINTMENT OF  
NEW POWER OF ATTORNEY**

Dear Sir:

The undersigned hereby revokes all prior Powers of Attorney and hereby appoints the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls with respect to this application be directed to:

**McCUTCHEN, DOYLE, BROWN & ENERSEN, LLP**

Three Embarcadero Center  
San Francisco, California 94111  
Telephone No. (415) 393-2000:  
Facsimile No.: (415) 393-2286

Attorney	Registration No.	Attorney	Registration No.
David Beck	37,776	John W. Calkins	43,523
Patricia R. Coleman James	37,155	Darren E. Donnelly	44,093
Terry Garnett	44,698	Carol M. Gruppi	37,341
J. David Hadden	40,629	David W. Maher	40,077
Christian Platt	46,998	Roger Sampson	44,314
Michael J. Shuster	41,310	William E. Thomson, Jr.	20,719
Michael E. Woods	33,466	Rajiv Yadav	43,999
Vincent K. Yip	42,245		

Docket No.: 23623-7039

Pursuant to 37 C.F.R. § 3.73(b), the undersigned certifies that it is the owner and Assignee of the entire right, title and interest in the above-identified application for Letters Patent by virtue of an assignment from the inventors to the Assignee, which assignment was recorded at the United States Patent and Trademark Office as follows:

An Assignment from Benjamin G. Davis, John Bryan Jones, and Richard R. Bott to Genencor International, Inc., a true copy of which is attached hereto, has been forwarded to the United States Patent and Trademark Office for recordation on May 4, 2000.

The assignment has been reviewed and to the best of the undersigned's knowledge and belief, title to the above-identified application for letters patent is in the Assignee.

Please address all correspondence to the following address:

Michael J. Shuster, Ph.D.  
McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center  
San Francisco, California 94111  
Telephone No.: (415) 393-2000  
Facsimile No.: (415) 393-2286

The undersigned, whose title is supplied below, is empowered to act on behalf of the Assignee.

Date: March 12, 2001

Genencor International, Inc. *ms*

By: *Margaret A. Horn*

Margaret A. Horn, Esq.  
Assistant General Counsel and  
Vice President, Intellectual Property *ms*

Reg 33,401

PATENT APPLICATION DECLARATION  
(Attorney's Docket No.: 3290.006US1 )

CC

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled. "**CHEMICALLY MODIFIED ENZYMES WITH MULTIPLE CHARGED VARIANTS,**" Serial No. **09/467,536**, filed **December 20, 1999**, and I have reviewed and understand the contents of the specification, including its claims.

3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

4. This application is based upon provisional application Serial No. **60/113,130**, filed **December 21, 1998**.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

23 / 4 / 00

Residence and  
Post Office Address:

BENJAMIN G. DAVIS

1 Finney Terrace  
Durham DH1 1RT  
UNITED KINGDOM  
(Citizenship: United Kingdom)

Date:

\_\_\_\_\_

Residence and  
Post Office Address:

JOHN BRYAN JONES

1275 Seaforth Crescent, RR3  
Lakefield, Ontario K0L 2H0  
CANADA  
(Citizenship: Canada)

Date: \_\_\_\_\_

\_\_\_\_\_  
**RICHARD R. BOTT**

Residence and **3032 Hillside Drive**  
Post Office Address: **Burlingame, California 95616 USA**  
(Citizenship: **United States of America**)

## Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied, if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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PATENT APPLICATION DECLARATION  
(Attorney's Docket No.: 3290.006US1 )

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Date: \_\_\_\_\_

Residence and Post Office Address: **BENJAMIN G. DAVIS**  
**1 Finney Terrace**  
**Durham DH1 1RT**  
**UNITED KINGDOM**  
(Citizenship: United Kingdom)

Date: 19 April 2000

Residence and Post Office Address: **JOHN BRYAN JONES**  
**1275 Seaforth Crescent, RR3**  
**Lakefield, Ontario K01 2H0**  
**CANADA**  
(Citizenship: Canada)

U.S.S.N.: 09/467,536

Date: \_\_\_\_\_

\_\_\_\_\_  
**RICHARD R. BOTT**

Residence and **3032 Hillside Drive**

Post Office Address: **Burlingame, California 95616 USA**  
(Citizenship: United States of America )

09/467,536

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(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



FROM : GENENCOR INT'L INC. 850 845 8504 2000, US 04 12:55 #800 7:04/00

**PATENT APPLICATION DECLARATION**  
(Attorney's Docket No.: 3290.006US1)

COPY

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Date: \_\_\_\_\_

**BENJAMIN G. DAVIS**  
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**UNITED KINGDOM**  
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Post Office Address: **Lakefield, Ontario K01 2H0**  
**CANADA**  
(Citizenship: Canada)

U.S.S.N.: 09/467,536

  
RICHARD R. BOTT

[illegible]

FROM : GENENCOR INT'L INC. 650 845 6504 2000.05 04 12.55 #500 P.05/06

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